

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

OSCAR RENTERIA, *et al.*,

Plaintiff,

vs.

EUGENE CLEVELAND CANEPA,

Defendant.

Case No. 3:11-cv-00534-ECR-CWH

ORDER

This matter is before the Court on Plaintiffs' renewed Application for Order Setting Judgment Debtor Exam (#24), filed October 10, 2012. Having secured a judgment in its favor for approximately \$999,000.00, Plaintiffs request an order requiring Defendant Canepa to appear for a judgment debtor examination.

Federal Rule of Civil Procedure 69 provides that the procedure regarding "proceedings supplementary and in aid of judgment or execution—must accord with the procedure of the state where the court is located." Federal Rule of Civil Procedure 69(a)(1). Rule 69 further provides that "[i]n aid of judgment or execution, the judgment creditor or a successor in interest whose interest appears of record may obtain discovery from any person—including the judgment debtor—as provided in these rules or by the procedure of the state where the court is located." Fed. R. Civ. P. 69(a)(2). The scope of post-judgment discovery is broad and the judgment-creditor is permitted to make a broad inquiry to discover any hidden or concealed assets of a judgment-debtor. *1st Technology, LLC v. Rational Enterprises, LTDA*, 2007 WL 5596692 *4 (D. Nev.) (citation omitted). Rule 69 permits a judgment creditor to obtain post-judgment discovery pursuant to the procedures set forth in the Federal Rules of Civil Procedure or pursuant to state law. *Id.* Under Nevada law:

A judgment creditor, at any time after the judgment is entered, is entitled to an order from the court requiring the judgment debtor to appear and answer upon

1 oath or affirmation concerning his or her property, before:

2 (a) The judge or a master appointed by the judge; or

3 (b) An attorney representing the judgment creditor,

4 at a time and place specified in the order. No judgment debtor may be required to
5 appear outside the county in which the judgment debtor resides.

6 Nevada Revised Statutes ("NRS") 21.270(1). The undersigned has reviewed Plaintiff's request and
7 finds there is goods cause for the requested relief. Accordingly,

8 **IT IS HEREBY ORDERED** that Plaintiffs' renewed Application for Order Setting
9 Judgment Debtor Exam (#24) is **granted**.

10 **IT IS FURTHER ORDERED** that **Defendant Eugene Cleveland Canepa** shall appear at
11 **9:00 a.m. on Monday, November 12, 2012**, at the offices of Holland & Hart LLP, 5441 Kietzke
12 Lane, Second Floor, Reno, Nevada 89511 to then and there answer questions under oath regarding
13 his assets and his means of paying the judgment in this matter and for such other proceedings as
14 there may occur consistent with proceedings supplementary to execution.

15 **IT IS FURTHER ORDERED** that a copy of this order shall be personally served upon the
16 judgment debtor at least **fourteen (14)** calendar days before the hearing scheduled herein and proof
17 of service filed with the Court. Failure to appear may subject the judgment debtor to punishment
18 for contempt of court.

19 DATED this 15th day of October, 2012.

20
21 
22 **C.W. Hoffman, Jr.**
23 **United States Magistrate Judge**
24
25
26
27
28